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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,790	02/01/2002	Hiroaki Ando	KON-1713	2227
20311	7590	09/09/2003		
MUSERLIAN AND LUCAS AND MERCANTI, LLP 600 THIRD AVENUE NEW YORK, NY 10016			EXAMINER SHOSHO, CALLIE E	
			ART UNIT 1714	PAPER NUMBER

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/061,790	ANDO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Callie E. Shosho	1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-5, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Komatsu et al. (U.S. 6,379,443).

Komatsu et al. disclose water-based ink jet ink comprising colored resin wherein the resin is polyvinylacetal and the colorant is dye. There is also disclosed a method wherein the colored resin is added to water to form an ink (col.2, lines 1-2 and col.7, lines 43-47, 57, and 60-61).

In light of the above, it is clear that Komatsu et al. anticipate the present claims.

3. Claims 1-2, 4-5, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujino et al. (U.S. 5,623,296).

Fujino et al. disclose water-based ink comprising colored thermoplastic resin wherein the resin is polyvinyl acetal and the colorant is dye. There is also disclosed a method wherein the

colored resin is added to water to form an ink (col.11, lines 40-49 and 55-60, col.14, lines 16-17, col.15, lines 5-13, and col.17, lines 60-65).

In light of the above, it is clear that Fujino et al. anticipate the present claims.

4. Claims 1-3 and 6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Palmer (U.S. 2002/0128348).

Palmer et al. disclose water-based ink comprising core-shell polymer wherein the core comprises binder such as polyvinyl butyral and the shell comprises dye. Palmer et al. also disclose several prior art core-shell structures wherein the core comprises both the dye and the binder. Palmer et al. also disclose a method wherein the core-shell particles are used in water-based ink jet ink as well as a method of making the core-shell structure wherein shell is formed on the core by polymerizing shell materials in the presence of the formed core (paragraphs 2, 4, 8, 22, 30, 40 (lines 1-3 and 3<sup>rd</sup> last line), 44 (line 1), and 45).

In light of the above, it is clear that Palmer et al. anticipate the present claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Derick et al. (U.S. 4,230,775) disclose ink comprising polyvinyl butyral and dye, however, the ink does not contain water as required in the present claims.

Nakamura et al. (U.S. 2003/0158291) disclose ink jet ink comprising colored particles comprising polyvinyl butyral and dye wherein the particles are composed of a single phase or

core phase and shell phase. However, given the effective filing date, the reference is not applicable against the present claims under any subsection of 35 USC 102.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*Callie Shosho*  
Callie E. Shosho  
Primary Examiner  
Art Unit 1714

CS  
9/4/03